

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LARRY TYRONE WATKINS,)
Plaintiff,) *3:13cv0179*
v.) No. 3:13-mc-00007
CCA-CORPORATION OF AMERICA, et al.,) Judge Campbell
Defendants.)

ORDER

Plaintiff Larry Tyrone Watkins, a state inmate presently detained at the Metro-Davidson County Detention Facility in Nashville, Tennessee, which is operated by CCA, filed his *pro se* complaint in this action (ECF No. 1), seeking damages and equitable relief under 42 U.S.C. § 1983. Presently pending is the plaintiff's Application to Proceed *in Forma Pauperis*. (ECF No. 6.) Because the plaintiff proceeds *in forma pauperis* against government officials or agents, the complaint is before the court for an initial review pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A.

A. Application to Proceed as a Pauper

Because it appears from his submission that the plaintiff lacks sufficient financial resources from which to pay the full filing fee in advance, the application (ECF No. 6) is **GRANTED**. The Clerk is **DIRECTED** to file the complaint *in forma pauperis* and to assign a civil action number to this file.

Pursuant to 28 U.S.C. § 1915(b), the plaintiff is nonetheless assessed the \$350.00 civil filing fee. The custodian of the plaintiff's inmate trust fund account at the institution where he now resides is **DIRECTED** to submit to the Clerk of Court, as an initial payment, the greater of: (a) 20% of the average monthly deposits to the plaintiff's inmate trust account; or (b) 20% of the average monthly balance in the plaintiff's inmate trust fund account for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b) (1). Thereafter, the custodian must submit 20% of the plaintiff's preceding monthly income (or income credited to the plaintiff's trust account for the preceding month), but only when the plaintiff's monthly income exceeds \$10.00. 28 U.S.C. § 1915(b)(2). Payments must continue until the \$350.00 filing fee has been paid in full to the Clerk of Court. 28 U.S.C. § 1915(b)(3).

The Clerk of Court **MUST** send a copy of this order to the Administrator of the Metro-Davidson County Detention Facility to ensure that the custodian of the plaintiff's inmate trust account complies with that portion of 28 U.S.C. § 1915 pertaining to the payment of the filing fee. If the plaintiff is transferred from his present place of confinement, the custodian of his inmate trust fund account must ensure that a copy of this order follows the plaintiff to his new place of confinement, for continued compliance herewith. All payments made pursuant to this order must be submitted to the Clerk of Court for the Middle District of Tennessee.

B. Initial Review of the Complaint

As explained in the accompanying Memorandum Opinion, the court finds that the complaint fails to state a colorable claim under § 1983 against any of the defendants named in the complaint. The complaint is therefore **DISMISSED** in its entirety for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(b)(ii), 1915A(b).

It is so **ORDERED**.

Todd Campbell
Todd Campbell
United States District Judge